

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FAYE IRENE GUENTHER, an
individual,

Plaintiffs,

v.

JOSEPH H. EMMONS, individually,
and OSPREY FIELD CONSULTING
LLC, a limited liability company,

Defendant.

NO. 2:22-CV-0272-TOR

ORDER DENYING MOTION FOR
RECONSIDERATION

BEFORE THE COURT is Defendants' Motions for to Reconsider Order Denying Attorneys' Fees. ECF No. 152. This matter was submitted for consideration without oral argument. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, Defendants' Motion is **DENIED**.

"Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was

1 manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch.*
2 *Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993); *United Nat. Ins.*
3 *Co. v. Spectrum Worldwide, Inc.*, 555 F.3d 772, 780 (9th Cir. 2009) (citation
4 omitted). Whether to grant a motion for reconsideration is within the sound
5 discretion of the court. *Navajo Nation v. Confederated Tribes and Bands of the*
6 *Yakima Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

7 Because Plaintiff sought damages in excess of \$10,000, this case is not
8 subject to the attorney fee statutes applicable to small claims.

9 For all the reasons the Court expressed in its original order denying attorney
10 fees, ECF No. 150, the motion is denied.

11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

12 Defendants’ Motions for to Reconsider Order Denying Attorneys’ Fees,
13 ECF No. 152, is **DENIED**.

14 The District Court Executive is directed to enter this Order. The file remains
15 **CLOSED**.

16 DATED May 16, 2025.



A handwritten signature in blue ink that reads "Thomas O. Rice".
THOMAS O. RICE
United States District Judge